

UNITED STATES OF AMERICA)
)
v.) **CASE NO. 3:12-CR-03-005-PLR**
)
JOSEPH LOUIS BARRISH)

This matter is before the court on the defendant's motion for sentence reduction pursuant to Amendment 782 to the United States Sentencing Guidelines [R. 309]. The government has responded deferring to the court's discretion whether and to what extent to reduce defendant's sentence [R. 326]. The United States Probation Office has provided the court with a memorandum regarding retroactivity of Amendment 782. The defendant is presently scheduled for release on March 25, 2016.

The defendant was convicted of conspiring to distribute and possess with intent to distribute oxycodone, in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(C). Defendant was held responsible for 10,000 oxycodone tablets (30 grams each), which is equivalent to 2,010 kilograms of marijuana.

At sentencing, defendant's base offense level was 29, with a criminal history category IV, resulting in an advisory guideline range of 121-151 months. The government filed a motion for downward departure in light of defendant's substantial assistance, pursuant to USSG § 5K1.1. The court granted the motion and sentenced

defendant to 72 months imprisonment, 40 percent below the bottom of the guideline range [R. 189].

Amendment 782 reduces the guideline range applicable to defendant. Pursuant to Amendment 782, defendant's base offense level is 27, with a criminal history category IV, resulting in an amended guideline range of 100-125 months. Giving defendant a comparable adjustment for substantial assistance (40%), and taking into account the policy statements set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), it is hereby ORDERED that the defendant's motion [R. 309] is GRANTED, and the defendant's sentence is **reduced to 60 months**.

If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "time served" sentence. *See* USSG § 1B1.10(b)(2)(C).

Except as provided above, all provisions of the judgment dated June 12, 2013 shall remain in effect. **The effective date of this order is November 2, 2015.** *See* USSG § 1B1.10(e)(1).

IT IS SO ORDERED.

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UNITED STATES DISTRICT JUDGE